Minutes – Executive Policy Committee – February 14, 2023

Report – Standing Policy Committee on Property and Development – February 2, 2023

Item No. 17 Zoning Agreement Amendment – Canterbury Crossing Properties abutting CN Railway to the North, East of Ravenhurst Street (Transcona Ward)
File ZAA 7/2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Zoning Agreement Caveat No. 5082043/1 under File DASZ 10/2017, dated December 13, 2017 be amended as follows:

   A. That Clause 6 be replaced with the following revised condition:

      "6.) The Developer shall, at no expense to the City, install or construct the following along the entire southern limit of the Developer's Land abutting the Canadian National Railway Redditt Subdivision right-of-way (the "Railway"):

         a) A black chain link fence, 1.83 metres (6 feet) in height (the "Fence")

         b) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 2.5 metres (8.2 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

         c) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 3.5 metres (11.5 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

         d) A uniform noise attenuation fence, 2.5 metres (8.2 feet) in height (the "Railway Noise Attenuation Fence") constructed with fence posts 6 by 6 inches in size, with said fence posts spaced 6 feet apart on top of the entire length of the Railway Berm.

      All as determined by and to the satisfaction of the Director of Public Works."

Report – Standing Policy Committee on Property and Development – February 2, 2023

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

B. That Clause 8 be replaced with the following revised condition:

"8.) For any lot within the Developer's Land that abuts the Railway, the Owner shall:

a) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 30 metres (98.4 feet) between the Railway and any habitable room or living space within a building located on that lot.

b) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 29 metres (95.1 feet) between the Railway and any habitable room or living space within a building located on that lot."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/2017 as approved in aforesaid Recommendation 1.

3. That the Owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Minutes – Executive Policy Committee – February 14, 2023

Report – Standing Policy Committee on Property and Development – February 2, 2023

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Yea:	Gillingham, Browaty, Lukes, Mayes, Orlikow, Rollins	6
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment:

- In Recommendation 1.A, add the following clause 6.) a):

  "a) A black chain link fence, 1.83 metres (6 feet) in height (the "Fence")"

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 25, 2023, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1. A. delete clause 6.) a) in its entirety.

- In Recommendation 1. A. amend clause 6.) d) by adding the words "constructed with fence posts 6 by 6 inches in size, with said fence posts spaced 6 feet apart" immediately after "(the "Railway Noise Attenuation Fence")".

and forwarded the matter to the Standing Policy Committee on Property and Development.

HEARING SUMMARY

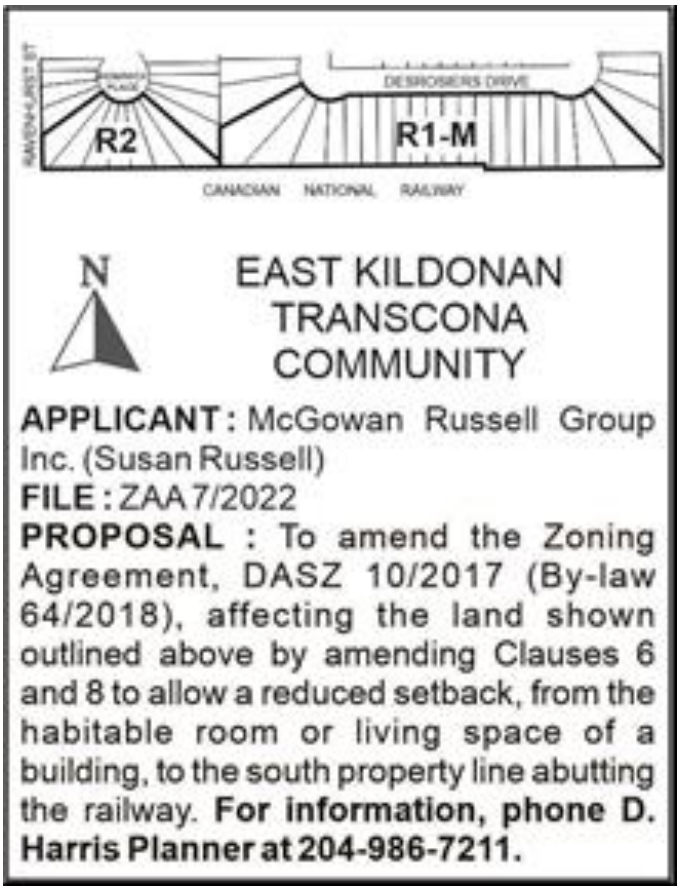
File: ZAA 7/2022

Before: East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Wyatt

Public Hearing: January 25, 2023
Council Building, 510 Main Street

Applicant: McGowan Russell Group (Susan Russell)

Subject:



Premises Affected: Canterbury Crossing Properties abutting CN Railway to the North, East of Ravenhurst Street

For submission to: The Standing Policy Committee on Property and Development

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: January 25, 2023

Community Committee Recommendation:

On January 25, 2023, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 5082043/1 under File DASZ 10/2017, dated December 13, 2017 be amended as follows:

    A. That Clause 6 be replaced with the following revised condition:

        "6.) The Developer shall, at no expense to the City, install or construct the following along the entire southern limit of the Developer's Land abutting the Canadian National Railway Redditt Subdivision right-of-way (the "Railway"):

            a) Deleted

            b) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 2.5 metres (8.2 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

            c) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 3.5 metres (11.5 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

            d) A uniform noise attenuation fence, 2.5 metres (8.2 feet) in height (the "Railway Noise Attenuation Fence") ***constructed with fence posts 6 by 6 inches in size, with said fence posts spaced 6 feet apart*** on top of the entire length of the Railway Berm.

        All as determined by and to the satisfaction of the Director of Public works."

    B. That Clause 8 be replaced with the following revised condition:

        "8.) For any lot within the Developer's Land that abuts the Railway, the Owner shall:

            a) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 30 metres (98.4 feet) between the Railway and any habitable room or living space within a building located on that lot.

            b) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 29 metres (95.1 feet) between the Railway and any habitable room or living space within a building located on that lot."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/2017 as approved in aforesaid Recommendation 1.

3. That the Owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is overkill installing two levels of fencing. You have an 8.2 feet high fence being installed at the height of the berm. We have a higher berm than required previously. We have an 8 feet fence being installed, to require on top of that a chain link fence which the railway will never maintain. A chain link fence on top of that will only collect garbage and be an eyesore for the future of the community, makes no sense whatsoever in my mind.

2. What surprises me is the fence, if you want to seal off the railway line land you can have access to this railway either at the Ravenhurst end or the Perimeter end. It doesn't keep people away from the railway. You can still get access to it. I don't think you have to worry about the people with the backyards, they have an 8.5 feet fence. The issue is their concern about other people accessing it. The reality is what we learned in this committee is, you can gain access to it, the chain link fence actually goes up not down, so there is actually a huge gap at either end, so it doesn't make any sense whatsoever. It won't be maintained by the railway. It'll just be a place for garbage and frankly its unsafe for someone to be stuck behind the two fences and makes no sense.

Exhibits Filed:

1. Application dated December 1, 2022
2. Notification of Public Hearing dated December 8, 2022
3. Manitoba Status of Titles 3206118/1, 3206120/1, 3206121/1, 3206122/1, 3206124/1, 3206125/1, 3206126/1, 3206127/1, 3206168, 3206169/1, 3206171, 3206172/1, 3206173/1, 3206174/1, 3206175/1, 3206176/, 3206177/1, 3206181/1, 3206182/1, 3206183/1, 3206184/1, 3206185/1, 3206186/1, 3206187/1, 3206188/1, 3206189/1, 3206190/1
4. Letter of authorization dated November 1, 2022, from Keith Merkel, Ravenhurst Developments Inc.
5. Caveat 5082043/1
6. Variance Order DAV 400/88
7. Title Plot (1 pages)
8. Report from the Urban Planning Division dated January 17, 2023
9. Inspection Report
10. Revised Report from the Urban Planning Division dated January 17, 2023
11. Canterbury Crossing Phase 3 Berm Height Key Plan from Susan Russell in support of the application
12. Documentation dated January 16, 2023, in support of the application submitted by Susan Russell at the public hearing
13. Recording of Representations

REPRESENTATIONS:

In Support:

Michael Dickson
Keith Merkel
Susan Russell

In Opposition:

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development, Department
D. Trenchard, Land Development Engineer, Planning, Property and Development, Department

Exhibit "10" referred to in File ZAA 7/2022

ADMINISTRATIVE REPORT-REVISED

Title: ZAA 7/22 – Canterbury Crossing properties abutting CN Railway to the north, east of Ravenhurst St.

Issue: For consideration at the public hearing for a Zoning Agreement Amendment to revise clause six (6) and eight (8) of Zoning Agreement DASZ 10/2017.

Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Dylan Harris, RPP, MCIP	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 5082043/1 under File DASZ 10/2017, dated December 13, 2017 be amended as follows:

    A. That Clause 6 be replaced with the following revised condition:

    6.) The Developer shall, at no expense to the City, install or construct the following along the entire southern limit of the Developer's Land abutting the Canadian National Railway Redditt Subdivision right-of-way (the "Railway"):

    a) A black chain link fence, 1.83 metres (6 feet) in height (the "Fence")

    b) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 2.5 metres (8.2 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

    c) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 3.5 metres (11.5 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");

    d) A uniform noise attenuation fence, 2.5 metres (8.2 feet) in height (the "Railway Noise Attenuation Fence") on top of the entire length of the Railway Berm.

All as determined by and to the satisfaction of the Director of Public works.

B. That Clause 8 be replaced with the following revised condition:

8.) For any lot within the Developer's Land that abuts the Railway, the Owner shall:

a) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 30 metres (98.4 feet) between the Railway and any habitable room or living space within a building located on that lot.

b) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, provide a setback of no less than: 29 metres (95.1 feet) between the Railway and any habitable room or living space within a building located on that lot.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/2017 as approved in aforesaid Recommendation 1.

3. That the Owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- A Zoning Agreement is registered on title for properties associated with the Canterbury Crossing Area (DASZ 10/2017).
- The applicant has applied for a Zoning Agreement Amendment to modify conditions relating to railway mitigation measures.
- Modification of caveats on a Land Title requires a Zoning Agreement Amendment application.
- Approval of a Zoning Agreement Amendment application requires a public hearing as per the Development Procedures By-law and The City of Winnipeg Charter.
- The Report is being submitted for the Committee's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the subject Zoning Agreement will be **amended** and the caveat will be **modified**.

HISTORY

- On January 27th, 2016, Council adopted all of the recommendations included in the report entitled: *Improving Safety for New Development in Proximity to Railway Operations in the City of Winnipeg.*
- On November 7, 2017 the East Kildonan-Transcona Community Committee approved an application for subdivision and rezoning (DASZ 10/2017) to establish a new, large scale greenfield subdivision referred to as Canterbury Crossing.
- This application was approved subject to a number of conditions of approval outlined in the associated zoning and servicing agreements.
- Given a portion of the subject site abuts a rail line, the Zoning Agreement imposed a number of conditions requiring measures be implemented to mitigate impacts associated with new development in proximity to railway operation.
- DASZ 10/2017 was approved by Council on December 13, 2017.

CONSULTATION

In preparing this report there was consultation with:

N/A

OUR WINNIPEG POLICY ALIGNMENT

Our Winnipeg 2045 Development Plan:

City Building

> **6.44 Compatible Growth:** *Plan for and protect green and built infrastructure and resources from incompatible development that would compromise achievement of this Plan's goals.*

The applicant has proposed an acceptable alternative to the required rail proximity setback and berm construction as outlined by the Federation of Canadian Municipalities, in a manner that will protect built infrastructure from incompatible development.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Dylan Harris, RPP, MCIP
Date:	January 17, 2023
File No.	ZAA 7/2022

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

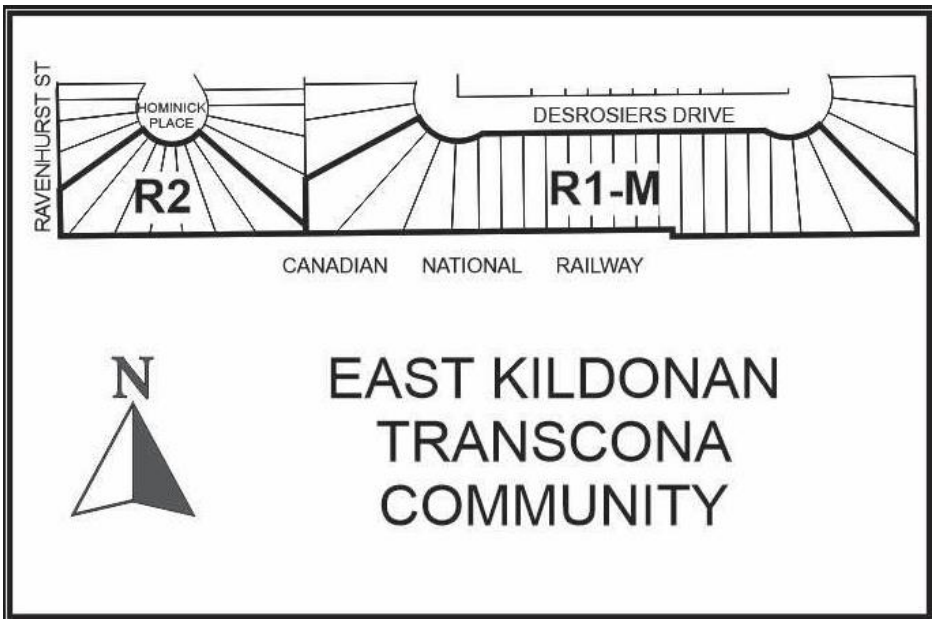
DATE: January 17, 2023 (Revised January 19, 2023)

FILE: **ZAA 7/2022**
RELATED FILES:
COMMUNITY: **East Kildonan-Transcona**
NEIGHBOURHOOD #: **4.414 Canterbury Park**

SUBJECT: For consideration at the public hearing for a Zoning Agreement Amendment to revise clause six (6) and eight (8) of Zoning Agreement DASZ 10/2017.

LOCATION: Canterbury Crossing properties abutting CN Railway to the north, east of Ravenhurst St.

LEGAL DESCRIPTION: LOTS 16 TO 21 AND LOTS 41 TO 59, ALL INCLUSIVE, BLOCK 1 PLAN 70448 WLTO IN SE 1/4 3-11-4 EPM.



APPLICANT: **McGowan Russell Group (Susan Russell)**
825 St. Joseph St.
Winnipeg, Manitoba R3C 3Z5

OWNER: Ravenhurst Developments Inc.
1-1480 Plessis Rd.
Winnipeg, Manitoba R2C 5R5

RECOMMENDATION: **Approval**

SITE DESCRIPTION

- The subject site is located east of Ravenhurst St. and north of the Canadian National Reddit Subdivision right of way, in the Canterbury Park neighbourhood of the Transcona ward.
- The subject application applies to the established lots at the southern boundary of the Canterbury Crossing development which abut the CN rail line.
- The subject lots can be categorized in two (2) groups:
    - Six (6) lots are accessed by s cul-de-sac named Hominick Place (Lots 16-21, Block 1 Plan 70448) and are zoned “R2” Residential Two-Family district.
    - 19 lots are accessed by Desrosiers Drive (Lots 41-59, Block 1, Plan 70448) zoned “R1-M” Residential Single-Family Medium district.
- The subject properties are currently vacant.

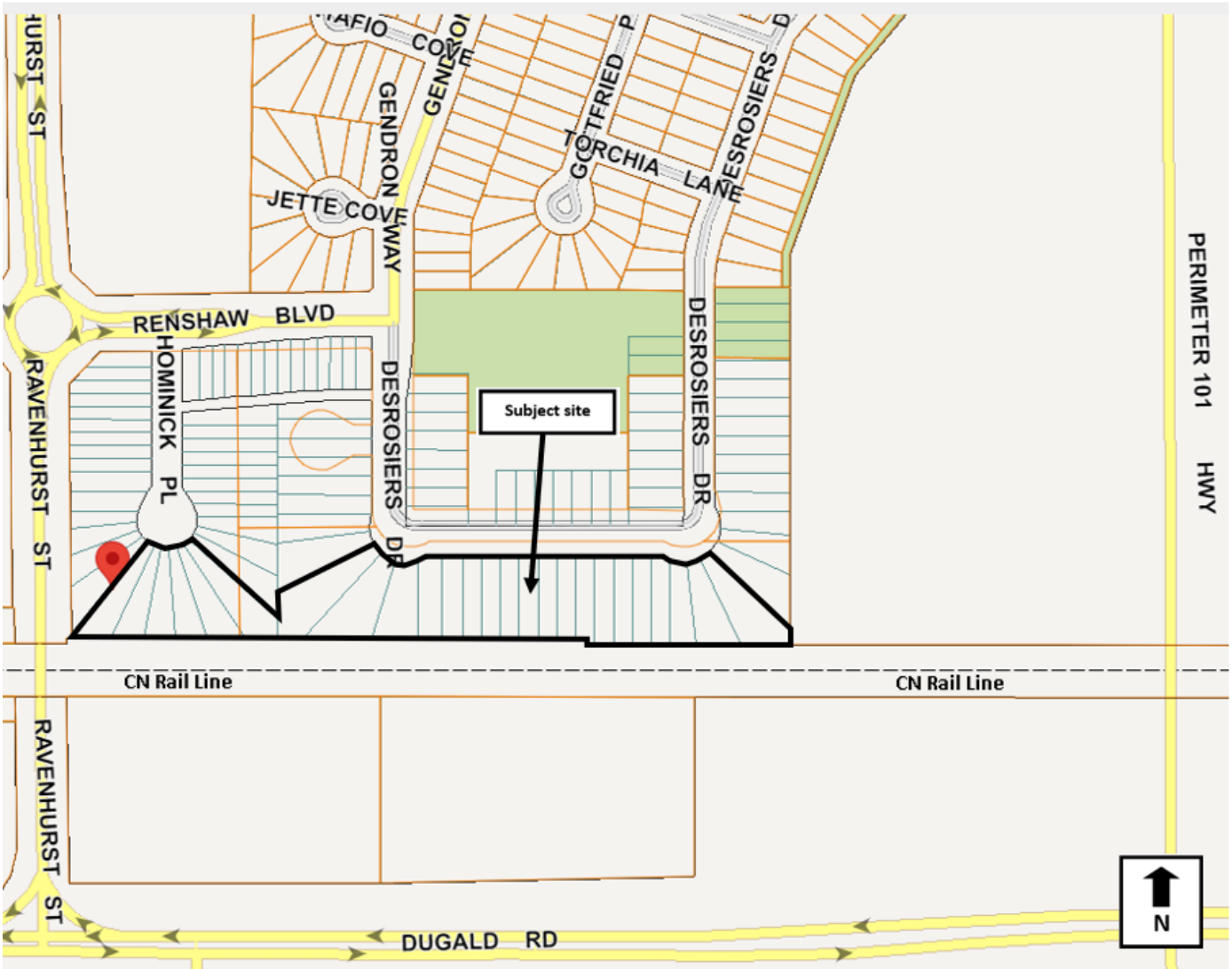


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Vacant land zoned “R2” Residential Two-Family district then Renshaw Blvd. and Desrosiers Dr.

South: A Canadian National (CN) rail line then light manufacturing use zone “M1” Manufacturing Light district and a single family dwelling zoned “RR5” Rural Residential Five (5) district.

East: Vacant land designated as Province of Manitoba right of way.

West: Ravenhurst St. then vacant land zoned “M3” Manufacturing Heavy district.

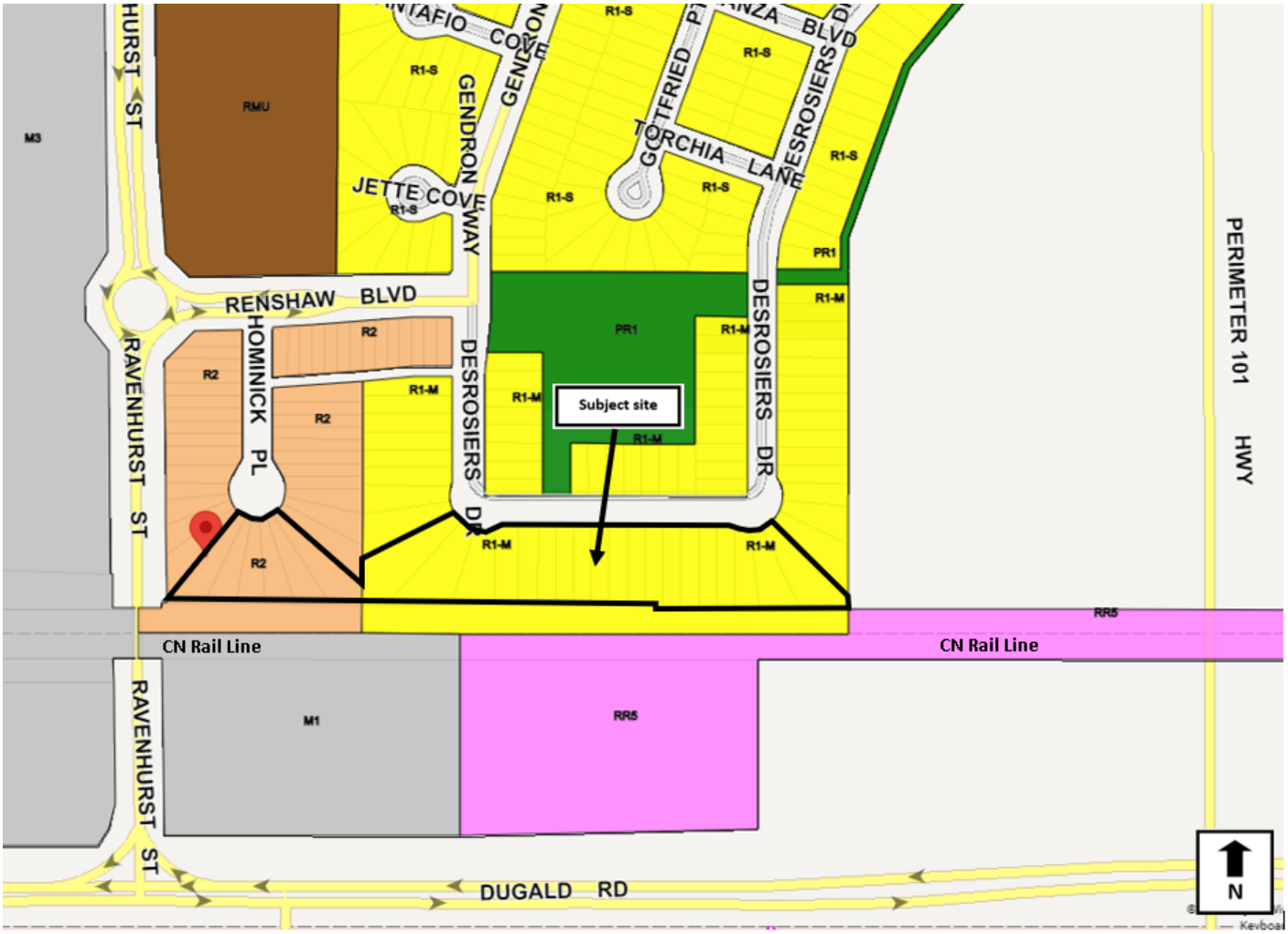


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Since approval of DASZ 10/2017, the owner has been working towards completion of obligations required to develop the Canterbury Crossing area.
- The applicant has indicated that in order to accommodate the preferred park space arrangement and associated drainage work as requested by the City, road alignments needed to be modified.
- Enlarging the park space and shifting a portion of Desrosiers Dr. farther south, has resulted in the loss of one (1) metre of developable space on lots between Desrosiers Dr. and the CN rail line.
- Conditions in the zoning agreement required lots abutting the rail line to provide a 30 metre setback to any habitable room or living space.
- The setback requirement is in conjunction with requirements to establish a 2.5 metre noise attenuation fence on top of the berm.
- In order to reclaim the lost metre of developable area, the applicant has requested to amend the subject zoning agreement to enable the following:
    - Increase the required berm height to 3.5 metres for lots 41-59 Block 1 PLAN 70448 WLTO IN SE ¼ 3-11-4 EPM
    - Enable a proportionate reduction in required setback to permit a 29 metre setback from the rail line to habitable space on lots 41-59 Block 1 PLAN 70448 WLTO IN SE ¼ 3-11-4 EPM
- For a map of the proposed amended areas please see Appendix B at the end of this report.
- The proposed amendment would enable the applicant to:
    - Develop their lands as originally intended
    - Accommodate the desired park space configuration and drainage work
    - Meet the requirements outlined in the Federation of Canadian Municipality (FCM) *Guidelines for new development in proximity to railway operations.*

ANALYSIS AND ISSUES

Our Winnipeg 2045 Development Plan:

City Building

> **6.44 Compatible Growth:** *Plan for and protect green and built infrastructure and resources from incompatible development that would compromise achievement of this Plan's goals.*

The applicant has proposed an acceptable alternative to the required rail proximity setback and berm construction as outlined by the Federation of Canadian Municipalities in a manner that will protect built infrastructure from incompatible development.

Complete Communities 2.0 An OurWinnipeg Direction Strategy

D1: Established Neighbourhoods

- The subject properties are located in an Established Neighbouhoords-Recent Communities policy area.
- There are no policies specific to rail proximity in the Established Neighbouhoords-Recent Communities section of *Complete Communities 2.0.*
- The requested Zoning Agreement Amendment does not contradict Established Neighbourhood policy.

G2: Strategic Infrastructure and Resources

Freight Rail

> ***Goal 1.0*** *Ensure that new development of sensitive uses in proximity to freight rail operations and rail lines is constructed in a manner that mitigates potential safety risks and nuisance caused by land use incompatibilities.*
>
> ***Mitigation measures***
>
> *1.1 Require that new residential development or the intensification of residential and other sensitive land uses near freight rail operations incorporate appropriate safety and compatibility measures.*
>
> *1.1.1 (A) Adopt guidelines for new development in proximity to freight rail operations that identify safety and compatibility measures to be employed and the types of applications where safety and compatibility measures will be required.*
>
> *1.1.2 Review opportunities to plan for development or redevelopment along freight rail lines or yards and pursue the appropriate planning initiatives when warranted.*

The proposed Zoning Agreement Amendment is seeking an acceptable modification to the required rail proximity setback, berm configuration and fence construction. The City has committed to adhere to Federation of Canadian Municipalities *Guidelines for New Development in Proximity to Railway Operations.* The proposed alternative is consistent with the Federation

of policy in regards to setback and berm construction and is in alignment with *Complete Communities 2.0* policy.

Zoning Agreement established through DASZ 10/2017

- As indicated above under "history", a Zoning Agreement established as a condition of approval associated with a rezoning application (DASZ 10/2017) in December of 2018.
- The Zoning Agreement imposes the following key requirements in relation to mitigation of adjacent railway operations:

> *6.) The Developer shall, at no expense to the City, install or construct the following along the entire southern limit of the Developer's Land abutting the Canadian National Railway Redditt Subdivision right-of-way (the "Railway"):*
>
> *a) A black chain link fence, 1.83 metres (6 feet) in height (the "Fence")*
>
> *b) A berm 2.5 metres (8.2 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm"); and*
>
> *c) A uniform noise attenuation fence, 2.5 metres (8.2 feet) in height (the "Railway Noise Attenuation Fence") on top of the entire length of the Railway Berm.*
>
> *All as determined by and to the satisfaction of the Director of Public works.*
>
> *7) The Owner shall maintain, repair and replace as required the Fence, the Railway Berm and the Railway Noise Attenuation Fence as originally constructed to the satisfaction of the Director of Planning, Property and Development*
>
> *8) For any lot within the Developer's Land that abuts the Railway, the Owner shall provide a setback of no less than 30 metres (98.4 feet) between the Railway and any habitable room or living space within a building located on that lot.*

Proposed Zoning Agreement Amendment

- The Public Service recommends **condition six (6) be amended as follows**:

> *6.) The Developer shall, at no expense to the City, install or construct the following along the entire southern limit of the Developer's Land abutting the Canadian National Railway Redditt Subdivision right-of-way (the "Railway"):*
>
> *a) A black chain link fence, 1.83 metres (6 feet) in height (the "Fence")*
>
> ***b) On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 2.5 metres (8.2 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");***
>
> ***c) On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM, a berm 3.5 metres (11.5 feet) in height and with a gradient no steeper than 3:1 (the "Railway Berm");***
>
> *d) A uniform noise attenuation fence, 2.5 metres (8.2 feet) in height (the "Railway Noise Attenuation Fence") on top of the entire length of the Railway Berm.*
>
> *All as determined by and to the satisfaction of the Director of Public works.*

- The Public Service recommends the **condition eight (8) be amended as follows:**

    8.) For any lot within the Developer's Land that abuts the Railway, the Owner shall:

    a) ***On lots 16-21 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM,*** *provide a setback of no less than: 30 metres (98.4 feet) between the Railway and any habitable room or living space within a building located on that lot.*

    b) ***On lots 41-59 Block 1 PLAN 70448 WLTO in SE 1/4 3-11-4 EPM,*** *provide a setback of no less than: 29 metres (95.1 feet) between the Railway and any habitable room or living space within a building located on that lot.*

ANALYSIS:

- The Federation of Canadian Municipalities (FCM) *Guidelines for new development in proximity to railway operations* states a 30 metre setback should be provided for new residential development in proximity to a main or secondary rail line.
- The *Guidelines* state the 30 metre setback should be in conjunction with a berm 2.5 metres in height.
- In cases where this requirement cannot be met, policy 3.3 of the FCM *Guidelines* state the following:

    "Marginal reductions in the recommended setback of up to 5 metres may be achieved through a reciprocal increase in the height of the safety berm (see Section 3.6 Safety Barriers)"

    - The Federation of Canadian Municipalities (FCM) Guidelines for new development in proximity to railway operations-p.27

- The applicant is proposing a one (1) metre reduction in the 30 metre setback in exchange for a proportionate increase in berm height of one (1) metre to enable their proposed development plan.
- The Public Service finds this alternative to be equivalent with the original intent outlined in the existing zoning agreement.
- This alternative approach is consistent with the Federation of Canadian Municipalities (FCM) *Guidelines for new development in proximity to railway operations.*

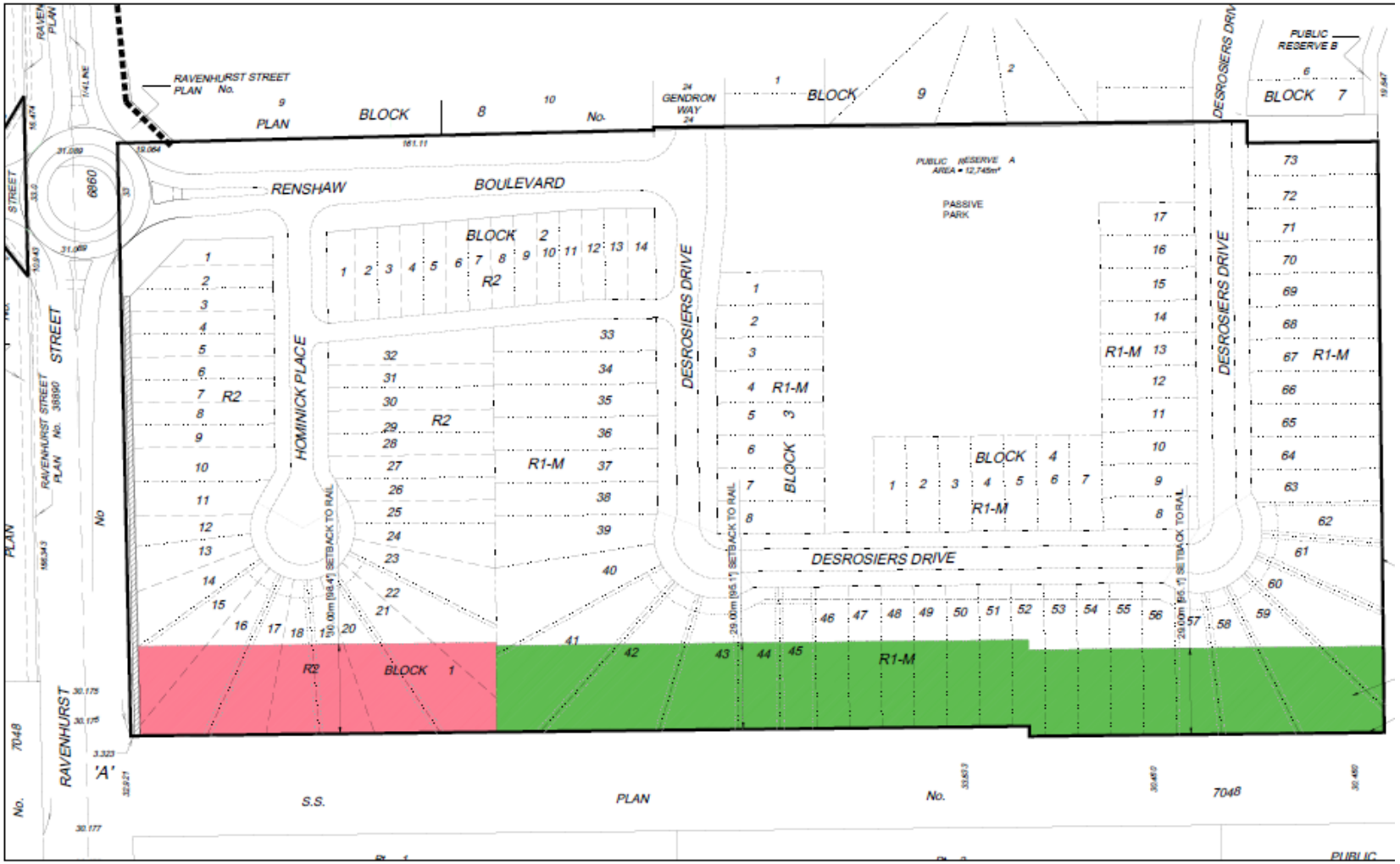
RECOMMENDATION

- The Public Service recommends **approval** for the following reasons:
    - The proposed amendment will enable an equivalent standard of mitigation / protection measures associated with development in proximity to rail operations.
    - The proposal will enable the applicant to develop their land in a manner as originally planned while accommodating specific park space requirements.
    - The remaining conditions in the zoning agreement remain unchanged and will continue to be in effect.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: D. Harris, RPP, MCIP
PPD File # ZAA 7/2022

Appendix B: Map of proposed Canterbury Crossing berm height and rail setback amendment

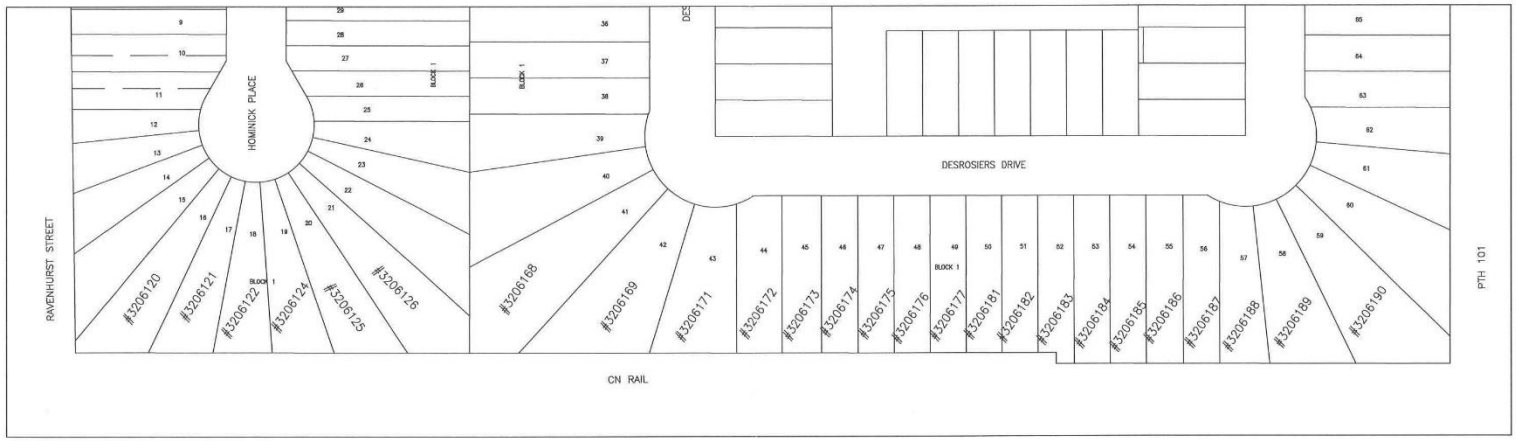


LEGEND

30.0m [98.4'] MINIMUM SETBACK (2.5m HEIGHT BERM ALONG RAIL LINE)

29.0m [95.1'] MINIMUM SETBACK (3.5m HEIGHT BERM ALONG RAIL LINE)

Exhibit “7” referred to in File ZAA 7/2022



TITLE PLOT FOR LOTS ON HOMINIK PLACE AND DESROSIERS DRIVE
AS PART OF ZAA APPLICATION FROM DASZ 10-2017